

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, DC. 20460

DEC 26, 1984

MEMORANDUM

SUBJECT: Request for Guidance/Clarification of Wastewater
Treatment Unit Definition

FROM: John H. Skinner, Director Office of Solid Waste (WH-562)

TO: James H. Scarbrough, Chief
Residuals Management Branch
Waste Management Division
E.P.A. Region IV

Your memo of December 11, 1984 is one of several requests for guidance that OSW has received from the Regions since the wastewater treatment unit exemption was promulgated on November 17, 1980.

The case on which you requested guidance involves tanks storing hazardous wastewaters that are then trucked across the Department of Energy Oak Ridge reservation to a treatment facility that has an NPDES permit. You asked whether a direct mechanical connection between the components of the treatment facility were necessary for the tanks to be part of the wastewater treatment facility.

For the purposes of this exemption, a wastewater treatment unit is defined in 40 CFR §260.10 as:

- (1) a tank,
- (2) which is part of a wastewater treatment facility subject to regulation under either Section 402 or Section 307 (b) of the Clean Water Act, and
- (3) which receives and treats or stores an influent wastewater that is a hazardous waste or which generates, accumulates, treats, or stores a wastewater treatment sludge that is a hazardous waste.

In providing guidance on implementation of this rule, we have been basing our interpretations on the intent of the exemption as well as on the wording of the regulation.

FAXBACK 11050

You acknowledge that the DOE reservation is a “facility,” and we have followed this interpretation in accepting their Part A RCRA application. Because there is no requirement that components of the wastewater units in a facility be connected, there is no reason why wastewater could not be piped, trucked, or otherwise conveyed from one wastewater unit to another. Therefore, the wastewater tanks in question are part of a wastewater treatment unit, exempt under 40 CFR §264.1(g) (6).

Further, this office has acknowledged that if wastewater is stored and treated in a tank at a facility prior to shipment to a POTW, the tank is exempt under 40 CFR §264.1 (g) (6). (See the attached memorandum.)

If you have any questions, please call Donald White (382-7917) of my staff.

Attachment

cc: Hazardous Waste Division
Directors, Regions I-X

Date: Dec 11, 1984

Subject: Request for Guidance/Clarification of Wastewater
Treatment Unit (WWTU) Definition

FROM: Chief, Residuals Management Branch
Waste Management Division

TO: John H. Skinner, Director (WH-562)
Office of Solid Waste Management

Introduction

Two slightly different scenarios are presented regarding WWTU exemption under 40 CFR §264.1 (g) (6) and associated §260.10 definitions for “waste water treatment unit” and for facility.

Scenario 1.

An owner has a tank in which hazardous wastewater is collected and then transported by truck to his wastewater treatment plant located on his plant site. The treatment plant has a NPDES permit.

Scenario 2.

The Department of Energy at Oak Ridge Tennessee has three principal operating plants -- Y-12, K-25, and X-10 all located on a single AEA reservation and connected by roads, some of which are posted with signs to restrict road use to authorized vehicles (however, there are no gates/barriers to prevent public access). The Y-12 plant has tanks in which hazardous wastewaters are collected and then trucked over posted roads to treatment facilities located at K-25. It is assumed some wastewaters are hazardous by characteristic and some by listing. Treatment facilities at K-25 have an NPDES permit.

Comment

Under the definition in §260.10 a “WWTU” must be “part of a wastewater treatment facility”.

Given the very broad definition of “facility”, (all contiguous land, and structures ... used for treating, storing, or disposing...), these owners contend that either a pipe or a vehicle can be used for transporting wastewater between components of a wastewater treatment facility - and that both transport modes meet definition requirements which make separate components “part of a WWT facility.”

Region IV Conclusion

Although the owners interpretations are persuasive, EPA IV believes that “part” of a WWT facility implies a direct mechanical connection via piping is necessary, and that connection by vehicle transport between separate components on contiguous land does not fullfill WWTU definition.

Region IV plans to notify these owners of this conclusion if we have not received other written guidance within three weeks.

If there are any questions, please contact Don Gibeaut (FTS 257-3433).

James H. Scarbrough, P.E.